

2. In the June 2, 2023 Order, the Court specifically ordered Plaintiff to “(i) provide releases for his relevant medical providers, or, alternatively, submit to Defendants the specific names and approximate dates of treatment for his medical providers so that Defendants can prepare medical releases for Plaintiff to sign; (ii) submit to a deposition; and (iii) submit to an independent medical examination.” (*Id.*).

3. The June 2, 2023 Order further provided that a failure to comply with these directives could result in a dismissal of this action with prejudice. (*Id.*).

4. More than six months have passed since the Court issued the June 2, 2023 Order and Plaintiff has not complied with any of the directives therein. Accordingly, Plaintiff has failed to respond to the outstanding discovery requests necessary for this Court to make a determination of Plaintiff's present competency pursuant to Federal Rule of Civil Procedure 17. (*See* D.E. Nos. 73 & 75). In fact, Plaintiff and his counsel failed to appear at a July 19, 2023, telephone conference (D.E. No. 74), and have provided no response to the Court's June 2, 2023 Order or Defendants' requests for dismissal. Consistent with the Court's June 2, 2023 Order, therefore, this action must be dismissed.

Accordingly, IT IS on this 8th day of February, 2024,

**ORDERED** that this action be **DISMISSED** *with prejudice*; and it is further

**ORDERED** that the Clerk of the Court **CLOSE** this matter.

*s/Esther Salas*  
**Esther Salas, U.S.D.J.**